

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Emma TERRICABRAS BELART et al.	)	Group Art Unit: 1624
	)	
Application No.: 10/542,940	)	Examiner: Susanna Moore
	)	
Filed: April 10, 2006	)	Confirmation No.: 9204
	)	
For: 4-AMINOTHIENO[2,3-d]PYRIMIDINE-	)	
6-CARBONITRILE DERIVATIVES AS	)	
PDE7 INHIBITORS	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated November 14, 2007 ("the Office Action"), the Office required restriction under 35 U.S.C. § 121 among subject matter divided into groups of claims I to V. Applicants provisionally elect, with traverse, to prosecute the claims of Group I, claims 1-11 and 14.

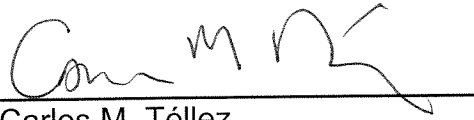
Applicants traverse the Restriction Requirement on the grounds that it is improper under the standard set forth in 37 C.F.R. § 1.475. The Office argues that the special technical feature linking the claims is taught in US Patent No. 4,146,716 ("the '716 patent.") However, the Office has improperly and narrowly selected the special technical feature linking the instant claims as the "thieno[2,3-d]pyrimidine scaffold." Office Action at 3. The Office has failed to recognize that the core structure of the compounds of the invention is that of 4-aminothieno[2,3-d]pyrimidine-6-carbonitrile compounds, as seen by the title of the application and the structure of compounds of

formula (I) claimed in the instant claims. This core structure is not disclosed in the '716 patent. For at least this reason, the Office has not met its burden of proving a lack of unity of invention and Applicants respectfully request that the Restriction Requirement be withdrawn. Moreover, the special technical feature linking the claims is not limited to the core structure just mentioned, but rather encompasses the position and identity of the radicals  $R_1$  to  $R_4$ , which are also part of the structure of compounds of formula (I).

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By:   
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Dated: December 13, 2007